REMARKS

This paper is responsive to the Final Office Action mailed May 11, 2010 ("the Action"). Claims 1-5, 7-17, 20-23, and 25-29 are pending and stand rejected. Editorial amendments to the claims have presented. Support for all amended claims can be found in the specification, and no new matter has been added by these amendments. Applicant respectfully requests entry of the amendments and reconsideration of the claims in view of the amendments and the following remarks.

Statement of Substance of Examiner Interview

An in-person interview was conducted between Applicant, Applicant's representatives, and the Examiner on July 20, 2010. In attendance were Examiner Thomas Mansfield; Ryan Fox, Reg. No. 65,369; Al AuYeung, Reg. No. 35,432; and Applicant/inventor Anil Kamath.

Applicant thanks the Examiner for the interview. During the interview, Applicant's invention as claimed and the primary reference were discussed. Based on the discussion, the Examiner agreed that it appears Applicant's invention is patently distinct over the cited references. However, the Examiner encouraged the Applicant whether additional amendments would further and even more clearly convey Applicant's invention being claimed.

Applicant thanks the Examiner for the opportunity to discuss the application.

Claim Objections

Claims 2-4, 8 and 27, 15-16 and 21-22 were objected to as allegedly reciting informalities. [*See*, Action, at § 7, page 2.] With respect to dependent claims 2-4, 15, 16, 21, and 22, the Action objected to the language of the claims as not reciting "one or more models." [*See*, *id.*] This "one or more models" language was recited in independent claims 1, 14, and 20, from which claims 2-4, 15, 16, 21, and 22 depend. In the interest of expediting prosecution, Applicant hereby presents amendments to amend claims 2-4, 15, 16, 21, and 22

to recite "one or more models." These amendments address the objections to claims 2-4, 15, 16, 21, and 22.

With respect to the objection to claim 8, the Action noted that claim 7 recited "wherein the objective function is further one of a group of objective functions including . . ." while claim 8 recited "wherein the group of objective functions further include . . . ." [*See, id.*] The Action then objected to claim 8, and argued that the claim language should recite "wherein *the one* of a group of objective functions further include . . . ."

Applicant respectfully disagrees with the objection to claim 8. In the interest of expediting prosecution, however, Applicant hereby presents an amendment to claim 7 as follows:

> The method according to claim 1, wherein the objective function is further one of a group of objective functions, and the group of objective functions ~~including~~includes:
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> a first objective function to maximize number of clicks for the marketing options, and
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> a second objective function to minimize average cost per click for the marketing options.

[Emphasis added.] Applicant believes that, with entry of the above the amendment to claim 7, the language of claim 8 will contain no informalities.

Applicant respectfully requests that the above-discussed amendments be entered and that the objections to claims 2-4, 8, 15, 16, 21, and 22 be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,035,812 issued to Meisel et al. ("Meisel") in view of U.S. Publication No. 2008/0097830 issued to Kim ("Kim"). Pursuant to the discussion during the Interview, and in response to the Examiner's suggestion, Applicant has made additional editorial amendments to various claims to further highlight Applicant's invention. These amendments are editorial in nature, and Applicant respectfully submits that no further search should be required.

With or without the editorial amendments, Applicant respectfully submits that at least one element of each of the independent claims is not taught by Meisel and Kim, taken either

separately or in combination. For at least this reason, Applicant requests that the rejection of claims 1-5, 7-17, 20-23, 25, and 26 be withdrawn and the claims be allowed.

In the interview conducted July 20, 2010, Applicant and Applicant's representatives discussed differences between described embodiments and Meisel. Topics discussed during the interview are reiterated in brief herein.

In particular, Applicant calls the Examiner's attention to Appendix sheet 1. As Applicant and Applicant's representatives explained in the interview, embodiments of the claimed methods, articles, and apparatuses are directed toward aiding an advertiser organization in developing a bidding strategy for the organization for allocating money amongst various content publishers (e.g., web sites or search engines). This bidding strategy may be used *by the advertiser organization* to maximize clicks or revenue *to the advertiser organization (hereinafter, simply advertiser).*

Thus, in the example of Appendix sheet 1, an advertiser, such as Best Buy, has utilized embodiments to facilitate modeling to develop a bidding strategy for making bids to place advertisements on various content publishers (e.g., Google, Yahoo, Facebook, etc.). The bidding strategy, seen in the leftmost column, directs allocation of monetary resources. For example, the advertiser may bid $1.40 per click on Google for the search term "mobile plans," and/or bid $0.25 per click on Facebook on a particular contextual advertisement. *After* this bidding strategy is produced, the bidding strategy may be used by the advertiser to place these bids at the various publishers, as seen in the middle column. Another example of a bidding strategy may be seen at Appendix sheet 2.

Once the bids are placed, when visitors click on the ads or terms, the advertiser (Best Buy) receives visitors to its website. These visits lead to purchases on the advertiser's site, as shown in the right column. In the example shown, the bidding strategy may be created to maximize revenue or profit *for the advertiser* after these visitors have clicked through to the advertiser. Similar examples of these bidding strategies can be found in the specification, for example, at paragraphs 0007, 0021, 0041, and at Figure 1 of the Application as filed.

As discussed in the interview, in contrast to the claimed methods, articles, and apparatuses, Meisel is directed to processes that occur *after* an advertiser submits a bid:

> *A bidding process occurs when the network information provider enters a new bid amount for a search listing.* The system and method then compares the bid amount with all other bid amounts for the same search term, and generates a rank value for all search listings having that search term to determine where the listing will appear on the search results list page.

[Meisel, at Abstract; emphasis added.] As this passage shows, Meisel is directed toward processes that occur *after* bids have been made, such as by a search engine like Google, to determine where to place various search listings *for which the publisher has already received bids*.

In Meisel, the publisher determines search rankings based on a "bid amount 358" which an advertiser pays to receive a listing:

> *[B]id element amount 358 is a money amount bid by an advertiser for a listing.* This money amount is deducted from the advertiser's prepaid account or is recorded for advertiser accounts that are invoiced for each time a search is executed by a user on the corresponding search term and the search result list hyperlink is used to refer the searcher to the advertiser's web site.
>
> . . .
>
> *Finally, a rank value is a value generated dynamically, preferably by the processing system 34 of the account management server 22 shown in FIG. 1, each time an advertiser places a bid or a searcher enters a search query.* The rank value of an advertiser's search listing helps to determine the placement location of the advertiser's entry in the search result list generated when a search is executed on the corresponding search term. . . .

[Meisel, at column 15, lines 15-46; emphasis added.] As this passage shows, in the system of Meisel, an advertiser determines and places a bid with a particular bid element amount 358. Then, *after the advertiser has determined and placed the bid,* Meisel's system generates a search rank for the bid-upon search term at the publisher.

Applicant also notes that during the interview, Applicant and Applicant's representatives also had the opportunity to discuss Meisel's generation of a "market value." Passages discussing this language of Meisel were cited in the Action. For example, the Action cites to one three-column-long section of Meisel which discusses calculation of a "market value." The passage begins:

> Alternatively, and also preferably, the value of bid element amount 358 can be determined by calculating the market value of that amount. Market value of the amount is calculated as the product of the amount and the probability of occurrence of the referral event with which this bid element is associated.

[Meisel, at column 15, line 65 to column 16, line 3.] The language used in the above-quoted passage, at first glance, may appear to suggest that Meisel's "bid element amount" is calculated by Meisel's system. However, a careful reading shows that, after the bid amount element 358 is received from an advertiser, Meisel uses that received bid amount element 358 to calculate the "market value of the amount." For example, the Meisel teaches calculating a market value by calculating a product of the bid element amount 358 and a probability factor. [*See*, *id.*] Meisel, at column 17, reiterates that market values are computed from bid element amounts:

> Once the normalized probability has been calculated, the market value of bid element amount 358 for a listing can now be calculated. *That market value is calculated as the product of bid element amount 358, the intrinsic CTR for the contemplated position of the listing, and the normalized probability for the listing.* This calculation results in a money amount that the advertiser is expected to pay upon the completion of the next search in which this listing is included. . . .
>
> *Most preferably, the market value of bid element amount 358 for a listing is calculated as the product of bid element amount 358 and the normalized probability for the listing. . . .*
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> *In the preferred embodiment, the market value is a normalized value of bid element 358.*

[Meisel, at column 17, line 45 to column 18, line 2; emphasis added.] Again, Meisel teaches that market values are computed *from* bid element amounts. For this reason, Meisel teaches that market values are generated *after* receiving bid element amounts. Applicant respectfully submits that, for at least this reason, Meisel's "market value" does not teach a pre-bid amount.

Applicants present herein amendments to the independent claims to further clarify that a bidding strategy is made *before* the placement of bids. For example, claim 1, as amended, recites:

> *A method for determining a bidding strategy for an organization to buy advertising by placing one or more bids amongst a plurality of marketing options at one or more web sites or search engines*, the method comprising:
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> *facilitating, . . . prior to the organization placing the one or more bids* among the marketing options at the one or more web sites or search engines, specification of one or more models that model one or more performance metrics for the plurality of marketing options . . . ;

> *determining, by the computing device, prior to the organization placing the one or more bids, a bidding strategy for the organization to direct allocation of monetary resources to place the one or more bids* among the plurality of marketing options at the one or more web sites or search engines, . . . ; and
>
> after determining the bidding strategy, and *prior to the organization placing the one or more bids, the computing device generating a report to report on the determined bidding strategy for the organization to allocate monetary resources to place the one or more bids* among the marketing options at the one or more web sites or search engines.

[Emphasis added.] Independent claims 14 and 20 recite analogous language.

Applicant submits that none of the cited references, taken individually or in combination teaches each and every element of the claimed method, article and apparatus. None of the cited references, individually or in combination, teaches at least, for example, "determining, by the computing device, prior to the organization placing the one or more bids, a bidding strategy for the organization to direct allocation of monetary resources to place the one or more bid" as recited in claim 1.

With regard to Meisel, Applicant respectfully submits that, as the passages of Meisel quoted above demonstrate, Meisel teaches a search engine using a ranked search listing based on bids, in the form of bid element amounts. Additionally, this ranking is performed only after the bids are placed. Furthermore, as discussed above, even when Meisel performs ranking based on a market value, this market value is generated after bids are placed by advertisers.

As such, Meisel does not teach or suggest "determining, by the computing device, prior to the organization placing the one or more bids, a bidding strategy for the organization to direct allocation of monetary resources to place the one or more bid" as recited in claim 1. Similarly, Meisel does not teach or suggest "facilitating, . . . prior to the organization placing the one or more bids . . . specification of one or more models" or "after determining the bidding strategy, and prior to the organization placing the one or more bids, . . . generating a report to report on the determined bidding strategy" as also recited in claim 1 as amended.

For similar reasons, analogous language of independent claims 14 and 20 is also not taught or suggested by Meisel.

Meisel does not teach at least one element of the independent claims. Applicant furthermore does not find relevant disclosure in Kim, which is directed to delivery of

advertising units and describes a revenue model that generates revenues based on pre-determined fees [*See*, Kim, at Abstract and paragraphs 0097-0099.] Accordingly, for at least the above discussed reasons, independent claims 1, 14 and 20 should be allowable over Meisel and Kim.

Claims 2-5, 7-13, 15-17, 21-23, and 25-29 depend from either independent claim 1, 14 or 20, incorporating their recitations. Thus, for at least the same reasons as those discussed above, dependent claims 2-5, 7-13, 15-19, 21-23, and 25-29 should also be allowable over the cited references. Applicant respectfully requests that the rejection of claims 1-5, 7-17, 20-23, and 25-29 be withdrawn and that the claims be allowed.

CONSLUSION

In view of the foregoing amendments and remarks, Applicants believe the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 622-1711 if the Examiner believes that an interview might be useful for any reason.

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

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